

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

SMALL BUSINESS ASSOCIATION OF
MICHIGAN, *et al.*,

Plaintiffs,

Case No. 1:24-cv-314

vs.

Hon. Robert J. Jonker

JANET YELLEN, in her official capacity
as the Secretary of the United States
Department of the Treasury, *et al.*,

Defendants.

D. Andrew Portinga (P55804)
Stephen J. van Stempvoort (P79828)
Amanda L. Rauh-Bieri (P83615)
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Counsel for Defendants

JOINT STATUS REPORT

A Rule 16 Scheduling Conference is scheduled for April 26, 2024, at 10:00 a.m. before Hon. Robert J. Jonker. Appearing for the parties as counsel will be:

Counsel for Plaintiff: D. Andrew Portinga
Stephen J. van Stempvoort
Amanda L. Rauh-Bieri
MILLER JOHNSON

Counsel for Defendant: Michael J. Gaffney
Christian S. Daniel

1. **Jurisdiction:** Plaintiff submits that this Court has jurisdiction over its federal claims under 28 U.S.C. 1331.

2. **Jury or Non-Jury:** This case is to be tried, to the extent that a trial is needed, before the court as a trier of law and fact.

3. **Judicial Availability:** The parties do not agree to have a United States Magistrate Judge conduct any and all further proceedings in the case, including trial, and to order the entry of final judgment.

4. **Statement of the Case:** This case involves a constitutional challenge to the Corporate Transparency Act, 31 U.S.C. § 5336. Plaintiffs contend that the act exceeds Congress's enumerated powers under Article I and violates the Fourth and Fifth Amendments to the United States Constitution.

5. **Joinder of Parties and Amendment of Pleadings:** The parties expect to file all motions for joinder of parties to this action and to file all motions to amend the pleadings within 20 days after the Court rules on Plaintiffs' motion for preliminary injunction.

The case caption should be amended, per Fed. R. Civ. P. 25(d), to reflect the fact that Andrea Gacki is the current director of the Financial Crimes Enforcement Network.

6. **Disclosures and Exchanges:**

Because this case is a constitutional challenge to the Corporate Transparency Act, the parties do not believe that discovery is necessary. Rather, the parties believe that the case should be resolved through cross-motions for summary judgment, per the following schedule:

Plaintiffs' motion for summary judgment: May 31

Defendants' response and cross-motion: June 28

Plaintiffs' reply and response to cross-motion: July 12

Defendants' reply: July 26

For essentially the same reasons, the parties believe that good cause exists to dispense with the presumptive disclosures described in paragraph 3(a) of the Court's Order Setting Rule 16 Scheduling Conference, ECF No. 20. The parties similarly respectfully request that the Court dispense with Defendants' obligation to file an Answer to the Complaint.

7. **Discovery:** Because this case is a constitutional challenge to the Corporate Transparency Act, the parties do not believe that discovery is necessary.

8. **Motions:** The parties anticipate that Plaintiffs will file a motion for summary judgment by May 31, 2024, Defendants will file a response and cross-motion by June 28, 2024, Plaintiffs will file a reply and response to Defendants' cross-

motion by July 12, 2024, and Defendants will file a reply by July 26, 2024. The plaintiffs have filed a preliminary injunction motion, which is pending. The parties do not anticipate any other motions at this time.

The parties acknowledge that it is the policy of this Court to prohibit the consideration of non-dispositive discovery motions unless accompanied by a certification that the moving party has made a reasonable and good faith effort to reach agreement with opposing counsel on the matters set forth in the motion.

9. **Alternative Dispute Resolution:** The parties recommend that this case be submitted to the following method of alternative dispute resolution: The parties do not recommend that this case be submitted to alternative dispute resolution.

10. **Length of Trial:** The parties agree that this case presents a question of law that should be decided on cross-motions for summary judgment. As a result, the parties do not believe that a trial will be necessary.

11. **Prospects of Settlement:** The status of settlement negotiation is: None. This case presents an issue of the constitutionality of a federal statute, and it cannot be resolved through settlement.

12. **Electronic Document Filing System:** All documents shall be filed and served electronically, by means of the Court's CM/ECF system.

13. **Other:** Set forth any special characteristics that may warrant extended discovery, accelerated disposition by motion, or other factors relevant to the case: This case is a challenge to the constitutionality of the Corporate Transparency

Act. The parties believe that this case should be resolved through cross-motions for summary judgment.

MILLER JOHNSON
Attorneys for Plaintiff

Dated: April 23, 2024

By: /s/ D. Andrew Portinga
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Dated: April 23, 2024

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